UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, : CASE NO. 5:99-cv-02240

Plaintiff,

: OPINION & ORDER

VS. :

: [Resolving Doc. No. <u>202</u>.]

LAURENCE DE LEON LOMAZ,

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Following the Defendant's unsuccessful appeal to the Sixth Circuit Court of Appeals, the United States moves the Court to enforce its June 8, 2006 judgment [Doc. 188.] against Defendant Laurence De Leon Lomaz ("Lomaz"). [Docs. 202, 205.] Defendant Lomaz opposes the motion and requests that this Court continue its previously granted stay pending Lomaz's further appeal. [Doc. 204.]

The Court incorporates its discussion of the case's relevant background and legal analysis found in its September 18, 2006 Order granting the Defendant's previous motion to stay the execution of its June 8, 2006 judgment and for bail pending Lomaz's appeal to the Sixth Circuit. [Doc. 199.] With that Order, the Court granted the Defendant's motion for a stay and bail pending appeal because it found that "Defendant Lomaz presents no risk of flight or danger to the public and that his appeal presents a sufficiently substantial appellate question whose resolution is integral to the merits of the conviction." *Id.* at 4.

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Gwin, J.

On January 9, 2008, the Sixth Circuit affirmed this Court's June 8, 2006 judgment. [Doc.

200.] On March 3, 2008, the Sixth Circuit issued a mandate stating the same. [Doc. 201.]

On March 21, 2008, the United States moved the Court to enforce its June 8, 2006 judgment

that the Sixth Circuit had recently affirmed. [Doc. 202.] On March 31, 2008, Lomaz opposed the

Plaintiff's motion and requested that the Court continue the stay it had previously entered because

he planned to continue his appeal. [Doc. 204.] He represented to the Court that he intended to file

a Petition for a Writ of Certiori with the United States Supreme Court. *Id.* The United States replied

to the Defendant's opposition on March 31, 2008. [Doc. 205.]

The United States offers no circumstances that render the Court's decision today different

from its decision on September 18, 2006. Therefore, for the same reasons the Court granted the

Defendant's initial request for a stay and bond pending appeal with its September 18, 2006 Order,

the Court will continue the previously entered stay pending the outcome of the Defendant's appeal

to the United States Supreme Court.

Thus, for the reasons stated above, the Court **DENIES** the Plaintiff's motion to enforce the

judgment at this time and continues its previously entered stay pending the Defendant's further

appeal.

IT IS SO ORDERED.

Dated: April 15, 2008

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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